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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-48**

12 **KRISTA JOY MANGAN**
12837 Mt. Ash Drive
13 Baxter, MN 56425

A C C U S A T I O N

14 **Registered Nurse License No. RN 742038**

15 Respondent.
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17 Complainant alleges:
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19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs ("Board").

23 2. On or about January 2, 2009, the Board issued Registered Nurse License Number
24 RN 742038 to Krista Joy Mangan ("Respondent"). The Registered Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,
26 2011, unless renewed.
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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750 of the Code) of the Nursing Practice Act.

6. Section 118(b) of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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"The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

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"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

Accusation	
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1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 "

12 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
13 revoke a license on the ground that the licensee has been convicted of a crime substantially
14 related to the qualifications, functions, or duties of the business or profession for which the
15 license was issued.

16 10. Section 493 of the Code provides, in pertinent part, that in such cases the record of
17 the conviction shall constitute conclusive proof of the conviction, and that the Board may inquire
18 into the circumstances surrounding the commission of the crime in order to fix the discipline or in
19 order to determine whether the crime was substantially related to the qualifications, functions, or
20 duties of the business or profession for which the license was issued.

21 11. California Code of Regulations, title 16, section 1444, states in pertinent part that a
22 conviction or act shall be considered to be substantially related to the qualifications, functions or
23 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness
24 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

25 COST RECOVERY

26 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Criminal Conviction)

5 13. Respondent is subject to disciplinary action under §§ 2761(f), 2762(c), and 490 of the
6 Code in that she was convicted of a criminal offense. The circumstances are as follows.

7 14. On or about September 21, 2009, in a criminal proceeding entitled *People of the State*
8 *of California v. Krista Joy Mangan*, in the Superior Court for the County of Santa Clara, Case
9 Number BB943165, the Respondent pleaded nolo contendere to and was convicted of violating
10 California Vehicle Code § 23152(b) (driving with blood alcohol level of 0.08% or more).
11 Respondent was sentenced to serve 12 days in jail, to serve three years of probation, and to pay
12 fines totaling \$1740.00. The circumstances surrounding the conviction were that on August 21,
13 2009, the Respondent drove a vehicle into a tree in Los Altos, California. An alcohol detection
14 test showed her blood alcohol level to be 0.17%.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Dangerous Use of Alcohol)

17 15. Respondent is subject to disciplinary action under § 2762(b) of the Code in that
18 Respondent used alcohol in a manner dangerous to others, to the public, and to herself. The
19 circumstances supporting this cause for discipline are those described in the First Cause for
20 Discipline above.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

24 1. Revoking or suspending Registered Nurse License Number RN 742038, issued to
25 Krista Joy Mangan;

26 2. Ordering Krista Joy Mangan to pay the Board the reasonable costs of the
27 investigation and enforcement of this case, pursuant to Business and Professions Code section
28 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: _____

7/15/10

Louise R. Bailey

LOUISE R. BAILEY, M.ED., R.N.

Interim Executive Officer

Board of Registered Nursing

State of California

Complainant

SF2010201230

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